

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

WAC 463-58-010 ~~((Intent and))~~ Purpose ~~((of this chapter))~~. This chapter sets forth rules relating to fees or charges for independent consultant ~~((study))~~ studies, regular and expedited application processing, determining compliance and potential site ~~((study))~~ studies.

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

WAC 463-58-020 Fees for the independent consultant ~~((study))~~ studies. Pursuant to RCW 80.50.071, a fee of twenty-five thousand dollars for each proposed site shall accompany the application for an energy facility site certification. This fee shall be applied toward the total cost of the independent consultant study authorized by RCW ~~((80.50.070))~~ 80.50.071. The determination of the total fees required for the ~~((independent consultant))~~ study shall generally be as follows:

(1) ~~((The consultant selected to perform independent consulting services shall be required to provide the council with an estimate of costs required to complete the study. Upon approval of the estimate by the council, the applicant shall be advised of the costs, totally or by phase, required to complete the study,))~~ The council may determine that the initial fee of twenty-five thousand dollars is insufficient to adequately fund the study. If so, the council shall so advise the applicant and shall furnish an estimate of the supplemental fees needed to complete the study and shall direct the applicant to increase the funds on deposit to cover the anticipated costs. In no event shall the study be allowed to continue if the applicant has not agreed to pay the cost thereof and has not deposited the agreed upon funds;

(2) Should the applicant file amendments or supplements to the application or should the council find that additional study of the application is required, additional cost estimates will be prepared by the consultant and provided to the council. Upon approval of the estimate by the council, the applicant shall be advised of the additional study costs~~((r))~~;

(3) ~~((If the estimate of the costs, as stated in (1) or (2) above, totally or by phase, exceeds twenty-five thousand dollars, the applicant shall provide prior approval for the~~

~~expenditure of such excess amounts, and~~

~~(4)) The council shall authorize the independent consultant to initiate evaluation of the application materials or subsequently filed amendatory or supplementary materials when the applicant has ((provided agreement to pay)) paid the required costs((, and the council has provided the applicant with a statement of amount due)).~~

AMENDATORY SECTION (Amending WSR 91-03-090, filed 1/18/91, effective 2/18/91)

WAC 463-58-030 Fees for regular application processing.

Pursuant to RCW 80.50.071 each applicant for energy facility site certification shall at the time of application submission deposit twenty thousand dollars for costs related to processing of the application. Such processing costs shall consist of those determined by the council to be reasonable and necessary including:

(1) A hearing examiner(s) who may be retained by the council for the duration of the application processing period or for such portion of the processing period as the council may consider necessary((~~r~~));

(2) A court reporter(s) for the recording and preparation of transcripts of an adjudicative proceeding ((~~hearing~~)), council meetings or public sessions which the council shall consider necessary((~~r~~));

(3) Additional staff salaries for those persons employed on the council staff for the duration of the application processing period((~~r~~)); and

(4) Such overhead and support costs including wages and employee benefits, goods and services, travel expenses within the state and miscellaneous expenses as arise directly from application processing;

(5) The council may determine that the initial fee of twenty thousand dollars is insufficient to fund the council costs. If so, the council shall so advise the applicant and shall request the applicant to increase the funds on deposit to cover the anticipated costs. In no event shall the processing of the application continue if the applicant has not agreed to pay the cost thereof and has not deposited the agreed upon funds.

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

WAC 463-58-040 Fees for expedited application processing. Applicants filing applications for expedited processing under RCW 80.50.075 shall provide fees in accordance with WAC 463-58-020 and 463-58-030 ~~((above with the understanding that any unexpended portions thereof shall be returned to the applicant at the completion of application processing))~~.

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

WAC 463-58-050 Fees for determining compliance. Pursuant to RCW 80.50.071 (1)(c) each certificate holder shall pay such reasonable costs as are actually and necessarily incurred by the council for inspection and determination of compliance by the certificate holder with the terms and conditions of the certificate. The amount of funds required to be placed on deposit by the certificate holder shall be determined ~~((as follows:~~

~~(1) For the period subsequent to the date of execution of the site certification agreement until the beginning of construction or until the beginning of any work covered by an NPDES permit, five hundred dollars, and~~

~~(2) For the period subsequent to beginning of construction or beginning of any work covered by an NPDES permit, twenty thousand dollars))~~ by the council and deposited by the applicant within thirty days of the governor's signing the site certification agreement.

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

WAC 463-58-060 Fees for potential site ((study)) studies.

A fee of ten thousand dollars shall accompany the study request and be a condition precedent to any action by the council. In the event that the council determines that the initial fee of ten thousand dollars is insufficient to adequately fund the potential site study, the council shall so advise the potential applicant and shall furnish an estimate of the supplemental fees needed to complete the study. In no event shall the study be allowed to continue if the potential applicant has not agreed to pay the cost thereof.

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

WAC 463-58-070 Failure to provide necessary fees. Failure to ~~((provide the initial deposit or subsequently required payments within thirty days following receipt of a statement from the council may))~~ comply with WAC 463-58-020 through 463-58-060 shall result, in the case of an applicant, in suspension of all application processing activities or, in the case of a certificate holder, in ~~((suspension of the certification agreement. At the conclusion of the thirty-day period allowed for making necessary payments,))~~ the council's initiation of enforcement action pursuant to WAC 463-54-070. The council will ~~((notify))~~ require any delinquent applicant or certificate holder ~~((to appear at the next regularly scheduled meeting or a subsequent meeting))~~ to show cause why the council should not suspend application processing ~~((of the certificate. In the event of suspension, action to reinstate))~~ Following deposit of all required fees the council shall in the case of application processing, consider reinstatement of application processing, or in the ~~((certificate will be taken by the council at the next regularly scheduled meeting following deposit of all required fees))~~ case of a certificate holder, reconsider enforcement action.

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

WAC 463-58-080 Payment, reporting and auditing procedures.

(1) ~~((Following payment of initial deposits for application processing and determination of compliance,))~~ The council will provide each applicant or certificate holder a statement of expenditures actually made during the preceding calendar quarter; the statement will be in sufficient detail to explain ~~((reasonable and necessary))~~ expenditures made against the deposited funds. Within thirty days of the receipt of the council's statement the applicant or certificate holder will pay an amount necessary to restore the total amount on deposit to the ~~((originally))~~ level established ~~((level provided that:~~

~~(a) An applicant may be requested by the council to increase the amount of funds on deposit to cover anticipated expenses during peak periods of application processing. The council will provide to the applicant written justification for an increased deposit,~~

~~(b))~~ pursuant to WAC 463-58-020 through 463-58-060.

(2) Any funds remaining unexpended ~~((at the conclusion of application processing))~~ shall be refunded to the certificate holder, or in the case of an applicant to the applicant or, at the applicant's option, credited against required deposits of a certificate holder ~~((s, and))~~ .

~~((c) If actual reasonable and necessary expenditures for inspection and determination of compliance in a calendar quarter have exceeded the amount of funds on deposit, such excess costs, pursuant to RCW 80.50.071, will be paid by the certificate holder. A statement will be provided to the certificate holder by the council in sufficient detail to provide an adequate explanation of these expenditures.~~

~~(2))~~ (3) All payments shall be made by a cashier's check payable to the state treasurer and delivered to the council office. The council will establish and maintain separate accounts for each application and certificate. All funds will be subject to state auditing procedures. The council will provide copies of such audits to the affected applicants and certificate holders as they are completed by the state auditor.